



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

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<b>PUBLIC MEETING MINUTES:</b>	<b>BOARD OF FUNERAL SERVICES</b>
<b>MEETING DATE AND TIME:</b>	<b>Wednesday, September 30, 2009, 10:00 a.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room B</b> , second floor of the Cannon Building
<b>MINUTES APPROVED:</b>	March 24, 2010

**MEMBERS PRESENT**

Harry Fletcher, Professional Member, President  
William Torbert, Professional Member  
Robert O. Wright, Professional Member  
Charles Arcaro, Professional Member  
Marceline Knox, Public Member, Secretary  
Rose Pritchett, Public Member  
Austin Grice, Jr., Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Eileen Heeney, Deputy Attorney General  
James Collins, Director  
Renee' Holt, Administrative Specialist II

**MEMBERS ABSENT**

**OTHERS PRESENT**

Thomas Melvin  
Todd Harra  
Crystal  
Larrimore Pippin  
Raymond Johnson

**CALL TO ORDER**

Mr. Fletcher called the meeting to order at 10:10 a.m.

**REVIEW OF MINUTES**

The Board reviewed the minutes of the July 29, 2009 meeting. Mr. Arcaro made a motion, seconded by Mr. Knox to approve the meeting minutes. The motion was unanimously carried.

## **UNFINISHED BUSINESS**

### **Strategic Planning**

Satellite Establishment and Preparation Rooms – Mr. Wright provided samples of documents used in the past for inspections of establishments before permitting. Mr. Wright asked that the Board seriously relook at inspections of establishments prior to permitting. Ms. Heeney advised that the Division of Professional Regulation does not investigate establishments prior to permitting at this time and currently there is no funding or personnel support to support this initiative. Mr. Wright expressed his feelings that the Board be proactive and that it has been lax in this area by not doing inspections. Ms. Heeney requested that Ms. Holt invite Mr. Collins and/or Ms. Warren to attend the next meeting to discuss the concerns regarding the inspection of funeral establishments.

Emergency Reciprocity Licensing Procedure – Ms. Knox clarified this item was brought up to the Board in the event of a natural disaster. There was nothing new to report.

Discussion on FTC Rules Concerning Cemeteries and Online Providers – Nothing to Report.

Pre Need Laws – Nothing to report

Funeral Arts Program – Nothing to report.

Licensure in regards to Faith/Religion – Nothing to report.

Funeral Establishments and Advertisements – Nothing to report.

Discussion of Allowing Resident Interns to obtain and Internship license prior to completing college – Mr. Fletcher asked the Board if they had comments. Mr. Wright asked why this was brought to the Board. Mr. Fletcher explained that this issue was brought up at the professional association. Mr. Fletcher asked for public comment.

Mr. Melvin brought a draft rule for the board to review regarding the proposed changes. Mr. Melvin summarized the draft submission. Mr. Melvin explained that more and more of the education is being done online. The professional organization wants to support the applicants in getting their licenses sooner and help them get to work sooner.

A member of the public – This has come to light that this is more and more.

Mr. Melvin - There are five in the state right now taking courses online. The Board used to recognize it 10 or so years ago, but it was changed. We are asking that the board reverse this.

Mr. Wright – Mr. Melvin, do you know exactly what statute provided for this?

Mr. Melvin – no. My son applied to the Board and the Board allowed it.

Mr. Wright – Are we getting this confused with the CEUs.

Mr. Melvin – No.

Mr. Wright – I would like to see the old rule allowing this.

Ms. Heeney – Is it right that *{you can earn}* a complete degree online. Ok. Would it matter which 50% is completed?

Mr. Harra – there are prerequisites like a regular school.

Ms. Heeney – if you've taken 50% everyone will be in the same place.

Mr. Wright – I guess the major emphasis, you have qualified people who can't work in the practice who are trying to speed the process up by 6 months. How does that benefit the person?

Mr. Melvin – if you have someone with a family getting paid an apprentice salary, if they get the internship, they will get a higher salary.

Mr. Fletcher – I feel for them. I understand the

Mr. Collins entered the meeting at 10:20 am.

Mr. Todd Harra – This is not going to help me much, but it is going to help the people coming into the profession. I think in 10 or 20 years this is going to be an issue. More people are registering for school online instead of going away to a school. Doing courses online, you have to be a self-starter. This is a sacrifice of time. Some people can't go away and learn and not work.

Mr. Wright – what do you think a person who decides to get into this profession and do not have an established relationship with a funeral director?

Mr. T. Harra – the rules require a sponsor to do their residency.

The Board discussed the statements and positions presented.

Mr. Melvin – There is a funeral director shortage across the country.

Ms. Heeney – what are other states doing?

Mr. Melvin – Maryland is doing it. And has been doing it several years. Virginia, and Pa are doing it. Virginia allows you to serve during your whole education.

Mr. Fletcher – I agree with this. I think it will help these people a lot.

Mr. Melvin offered to be available to help any of those who cannot find someone to do an internship with.

Mr. Fletcher – everyone has received a copy of this.

Ms. Heeney advised the Board. Ms. Heeney asked if there was any issue with starting apprenticeship without completing coursework. Ms. Heeney clarified the person is being supervised. She stated when there is an intern, there is direct supervision and there is a definition of supervision.

Ms. Heeney advised the Board for verbage changes needed to be explicit in the rule. Ms. Heeney will do a draft and show to the Board to vote on it. Ms. Heeney will check with

what MD, PA, and VA have and develop a draft. Mr. Melvin provided a copy of language from other states.

Mr. Arcaro made a motion to have Ms. Heeney make a draft and bring before the board for the next meeting, seconded by Ms. Knox. The motion was unanimously approved.

Regarding the 24 Hour Embalming Law stemming from the discussion with Mr. Larrimore Pippin, Ms. Heeney found rules promulgated and adopted by Health and Social Services and there is 3.0 that was adopted in 2002 which supersedes the 1984 clarification. Ms. Heeney read the rule by the board.

Mr. Torbert clarified that he could file for permits and have difficulty getting permits. Mr. Torbert stated he felt the issue with embedding refrigeration in the rules or law, is a lot of funeral homes don't have refrigeration still.

Mr. Fletcher clarified that in Delaware, it's the board's issue as it dealt with Health and Social Services rules. Mr. Fletcher tabled issue until next meeting.

Mr. Collins addressed the board. Mr. Collins spoke to the Board regarding the Board's authority to conduct the inspections in the law and the rules for this particular board. Mr. Collins affirmed the Division is willing to partner with the board to move ahead with whatever the board feels it needs to do. Mr. Collins then explained to the Board the process for getting changes made regarding this issue. Mr. Collins stated that once the board made the decision the next step was to approach the legislature.

Mr. Wright inquired as to when inspections stopped and why. Mr. Wright expressed his concern regarding the laxness of the current regulations.

Mr. Collins clarified that out of 44 professions managed by the Division of Professional Regulation, only one did inspections, which was the Board of Pharmacy. Mr. Collins informed the board that the Division Staff would research why the statute and rules were changed. Mr. Collins indicated the board would need to decide what statutory changes to make or have considered. Mr. Collins stated he and Ms. Warren were the executive directors of all of the boards and partner with the boards to find sponsors for proposed changes and further assist the boards with moving forward with the desired changes. Mr. Collins left the meeting at 11:14am.

Mr. Wright, Mr. Tobert, and Mr. Fletcher agreed to sit on the Legislative Committee.

There will be a Legislative Committee meeting immediately following the October 28, 2010 meeting.

Mr. Fletcher recognized Mr. Harra. Mr. Harra stated at the 1997 Sunset Review was where the change to the legislation regarding inspections originated. At that time, Mr. Harra clarified, he felt the legislative liaison had a one size fits all approach and didn't like that the board had authority to inspect establishments.

## **NEW BUSINESS**

*Funeral Establishment Name and Location Change Application – Deborah E Harris-Knock Funeral Services to Deborah E. Harris-Knock Funeral Home.* Ms. Knox made a motion, seconded by Mr. Arcaro to table the application and send a letter to Ms. Harris-Knock Funeral Home asking when the funeral establishment began providing services. During further

discussion, Mr. Wright suggested the board grant the permit and send letter requesting additional information as to why it was so long for application submission. Mr. Fletcher called for vote. Ms. Knox's motion carried with majority vote with Mr. Wright opposed.

#### Review of Continuing Education Application

Mr. Torbert, Mr. Wright, and Mr. Fletcher reviewed the application submitted by MKJ for MKJ's College of Funeral Service – November 17 – 20, 2009. Mr. Arcaro made a motion, seconded by Mr. Torbert to approve the application for 28 hours (7 hours per topic). The motion was unanimously approved.

#### Application for Resident Internship – Ratify - None

#### Application for Funeral Director Limited - None

#### Review of Resident Intern Reports

Mr. Fletcher made a motion, seconded by Mr. Arcaro to accept the reports submitted by Mr. Raymond Johnson. The motion was unanimously approved.

#### Funeral Director License - Ratify

### **Complaints**

#### Complaint Status

The complaints status was reviewed by Mr. Fletcher. Mr. Fletcher has been reassigned as the contact for complaint #27-05-08.

#### **Other Business Before the Board** (for discussion only)

#### **Public Comment**

There was no further public comment

#### **Next Scheduled Meeting**

The next meeting will be held on Wednesday, October 28, 2009 at 10:00 a.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

#### **Adjournment**

There being no further business, Mr. Arcaro made a motion, seconded by Mr. Fletcher to adjourn the meeting at 11:42 a.m. The motion was unanimously carried.

Respectfully submitted,



Renee' M. Holt  
Administrative Specialist III